



# TOWN OF TYNGSBOROUGH

Office of the Board of Selectmen

Town Offices

25 Bryants Lane

Tyngsborough, MA 01879

Tel: (978) 649-2300 Ext. 100 | Fax: (978) 649-2320

**APPROVED**

## Board of Selectmen Meeting Minutes

Monday, June 3, 2013 at 5:30 P.M.

Community Room, Town Offices, 25 Bryants Lane

Members Present: Members Present: Selectman Rick Reault, Selectman Robert Jackson, Selectwoman Karyn Puleo, Selectman Allen Curseaden, Selectman Corliss Lambert, Staff Present: Town Administrator Michael Gilleberto, Assist Town Administrator Nina Nazarian, and Admin Assistant Therese Gay

The listing of matters are those reasonable anticipated by the Chairman which may be discussed at the meeting. Not all items listed may in fact be discussed, and other items not listed may also be brought up for discussion to the extent permitted by law.

### **1. 6:00 PM Open Meeting/Pledge of Allegiance/Board Introduction/Read Agenda**

The Chairman opened the meeting at 5:44PM, the Board entered into Executive Session. The Board exited Executive Session at 6:00PM and entered in open session at 6:05PM; followed by the Pledge of Allegiance; the introduction of the Board and the Agenda read by Rick Reault, Clerk.

### **2. Meeting Minutes**

#### **A. Regular Session Meeting Minutes for Approval**

##### **1. Monday May 13, 2013**

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson to approve the minutes of Monday May 13, 2013.

##### **2. Tuesday May 21, 2013**

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson to approve the minutes of Monday May 21, 2013.

#### **B. Executive Session Minutes for Approval but not Release**

##### **1. Monday May 13, 2013**

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson to approve but not release the executive session minutes of Monday May 13, 2013.

##### **2. Tuesday May 21, 2013**

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson to approve but not release the executive session minutes of Monday May 21, 2013.

### **3. Citizen/Business Time – No one came forward this evening.**

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contacted the Office of the Selectmen in advance may address the Board of Selectmen on matters of interest to the public for not more than five (5) minutes.

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### 4. New Business

#### A. Police Chief – Ratify Contract

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson to ratify the approved Police Chief's Contract voted in Executive Session and to sign said contract dated June 3, 2013 the Contract will take effect July 1, 2013 to June 30, 2016. The Board congratulated Chief Richard Howe.

#### B. 6:15 PM Girl Scouts – Recognition

The Girl Scout Troop #63175 wanted to earn their bronze award it is the highest honor for the Junior Girl Scouts. Their leader contacted the Recreation Director to see if the girls could paint the Rec Center. Once permission was given the girls cleaned, painted the second floor of the building and also sewed and hung new curtains. The Board recognized their accomplishment and presented Troop 63175 with a Proclamation. The Board thanked the girls and their leaders on their accomplishments.

#### C. Street Resurfacing – Discuss

The Highway Senior Forman presented the Board with a short list of three roads in dire need of repairs. The Highway Department has spent a lot of money on the repairing of Independence Drive, Trinity Road and Ridge Road. The Highway Department is planning to reclaim the roads and would cost somewhere around 380,000 to 400,000 dollars to do. With the remaining funds and with the additional funds for the new fiscal year the roads would be able to be repaired. With the acceptance of some 59 more roads Selectman Jackson is looking for a list of priorities of all the streets. The Board voted 5-0-0 on a motion by Selectman Lambert, second by Selectman Reault to support the Highway Department's Senior Forman's recommendation of the repairs to be done on Independence Drive, Trinity Road and Ridge Road.

#### D. Borrowing – Review and Approve

The Finance Coordinator/Treasurer announced she has received a very favorable rate on the Bond Anticipation Note to be issued on June 7, 2013, pending the Board's review and approval tonight. The lowest competitive bid received for the BAN totaling \$2,853,871 was 0.5% interest. The Board thanked the Finance Coordinator for her presentation and voted 5-0-0 on a motion by Selectman Jackson, second by Selectman Reault to authorize the Finance Coordinator/Treasurer to borrow a BAN totaling \$2,853,871 at 0.5% issued June 7, 2013 to August 16, 2013.

The Board took a five minutes recess to sign the borrowing documents 6:35PM and the Board returned to session at 6:40PM

#### E. Stormwater – Review and Appoint

The NMCOG received a Community Innovation Challenge grant to address stormwater issues using an innovative approach that fosters regional cooperation and coordination among NMCOG communities and reduces municipal stormwater costs. To participate and benefit from the collaborative, NMCOG is asking that each community execute a Memorandum of Understanding (MOU) for which they have included and to appoint two representatives from the Town to serve on the Northern Middlesex Stormwater Collaborative (NMSC) Advisory Board. The Board is anticipated to meet roughly every 6-8 weeks. For the purpose of having a Town wide representative, the Town Administrator recommends that the Assistant Town Administrator serve as an Advisory Board

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member. Given the level of involvement which the Conservation Commission has in the Town's National Pollutant Discharge Elimination System (NPDES) permit, recommends that the Conservation Administrator serve as the second Advisory Board Member.

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Lambert to authorize the Town Administrator sign the Memorandum of Understanding. The Board voted 5-0-0 to appoint Matt Marro, Conservation Administrator, and Nina Nazarian, Assistant Town Administrator to the Northern Middlesex Stormwater Collaborative.

#### F. Community Preservation Committee – Appoint Resident-at-large

The Community Preservation Committee was informed that Mark Rohrbaugh would no longer be a member of the CPC. A request was sent asking for a volunteer from the Community to serve as a Member at Large. Mr. Kenneth Times III sent a letter of interest, He has served on the committee in the past and would like to serve again. This was the only letter received. The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Curseaden to appoint Kenneth Times, III as the member at large to the Community Preservation Committee, term to expire 2015.

#### G. Annual Appointments – Review

The Board discussed the process for the annual appointments of committee members. The Board will hold the appointment of the Energy and Environmental Affairs committee, there were questions on the makeup of the Cultural Council and the Board will have a brief introduction of the Agricultural Commission before seeking volunteers. The office staff will send out reminders to committee members for letter of interest for re-appointments.

#### H. Old Town Hall – Approve Contract Amendment

The Old Town Hall Renovation Committee recommends and respectfully requests your approval of an amendment in the amount of \$21,224.24 to the Old Town Hall construction contract with Meadows Construction. This amendment does not reflect all anticipated changes to the contract. Anticipated change orders are projected to reduce the total contract value by a net of approximately \$25,000, however that number will change as the project continues. The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Lambert to approve the contract amendment reducing the amount by \$21,224.24. Note: Member Guy Denommee did vote to support the change order.

### 5. Old Business

#### A. Barn and Church – Review Schedule

The Administrator offered an update regarding the restoration of the Adams Barn and the purchase/restoration of the First Parish Church. Adams Barn: a draft designer services RFQ template has been sent to Town Counsel for review; and anticipates having the RFQ publicized on or about June 19<sup>th</sup>, with a three week window for submission and selection of a firm by the end of July. The goal is to have the project designed and out to bid in September, and to attempt to complete constructions this construction season. The Board has previously indicated that it charges the Old Town Hall Building Committee with the oversight of this project; unless the Board objects the Administrator will consult with that Committee regarding architectural selection and design. The Board voted 5-0-0 on a motion by Selectman Lambert, second by Selectman Jackson to authorize the Town Administrator to move forward with then RFQ process and the Board charges the oversight of this project and the Administrator to the consult with the Old Town Hall Building Committee regarding the architectural selection and design.

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First Parish Meeting House: The Administrator suggested the Board should vote to authorize the Chairman or the Town Administrator to sign the attached "Offer to Sell" contingent upon receipt of the certified vote of the Town Meeting. The Board should then authorize the Chair or Town Administrator to sign a letter delivering this signed offer to the seller, and requesting more contact information for his attorney so that a Purchase and Sale Agreement can be developed between Town Counsel and that attorney. A draft designer services RFP template has been sent to Town Counsel for review. The anticipation is to have the RFP publicized in July, with a contingency that an agreement is subject to the closing of the purchase sale. The Board voted to authorize the Town Administrator to sign and send the letter to the Seller.

### B. 7:00 PM Joint Meeting with Board of Health and Recycling Committee

#### 1. Discuss Solid Waste

The Board met jointly with the Board of Health and the Recycling Committee to discuss the Solid Waste Removal Contract. The Administrator presented the following to the Boards. Republic Services has submitted a proposal that will reduce our annual cost from \$566,649 this year (2013) to \$502,209 in FY 2014. Beyond the cost savings, Republic will also transition the towns of Burlington, Tewksbury, and Tyngsborough to non-automated (bins, not carts) single stream recycling, eliminating the need for residents to separate paper and plastics. Republic has proposed changing the collection day to Monday from the current Thursday. The Town Administrator reviewed the spreadsheet detailing cost of solid waste removal and single stream recycling which maybe automated. The Boards and Committee discussed the pros and cons of the single stream recycling and the use of automated recycling. The Board is in support of the Administrator's proposal and his continued negotiations. The Board voted 5-0-0 on a motion by Selectman Lambert, second by Selectman Jackson to authorize the Town Administrator at the close of negotiations to sign the contract for \$523,680 plus or minus by 2%. The Board of Health supports the Board 100% and thanked the Administrator for all of his work on the negotiations. The Board voted 5-0-0 on a motion by Selectman Lambert, second by Selectman Reault to change the solid waste pick up day from Thursday to Monday condition to a successful contract negotiations. The Administrator will coordinate the notification to all residents on the change of the pick-up date. The Board voted 5-0-0 on a motion by Selectman Lambert, second by Selectman Reault that effective July 1, 2013 the lids on the toters are to be tightly closed. The Board voted 5-0-0 on a motion by Selectman Lambert, second by Selectman Reault that the trash will not be picked up if recycling is not placed curbside. The Board of Health asked if the notice of changes could be inserted with the tax bills. The Board voted 5-0-0 on a motion by Selectman Lambert, second by Selectman Jackson to authorize the notice by the Board of Health be inserted with the tax bills. The Board voted 5-0-0 on a motion by Selectman Jackson, second by Selectman Curseaden to authorize the Administrator to sign and file for an available grant.

### C. Green Communities – Review Pending Projects

The Administrator presented the Board the proposals for use of the Green Communities Funding. As outlined in the Town's Green Communities Annual Report for FY12, development of a plan to repurpose unexpended grant funds for energy efficiency projects has been underway over the past few months. The following repurposed projects were outlined to the DOER. 1) Lighting retrofits at the Town Hall Offices/Library, Police Department, Elementary School, Middle School, and High School. Town cost of \$43,947.23; 2) Electric Charging Stations at the Highway Department and Town Offices/Library. Town cost \$13,500; 3) Infrared Scan of the Town Offices/Library building to

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identify building envelope issues. Town cost \$2,800.00; and 4) Assistant Town Administrator Salary Offset. Total offset \$10,000. The above projects are in addition to a project to replace the Police Department boiler and other projects to expend all of its funding by June 30, 2013. Since March, the Administrators have been working closely with the Department of Energy Resources (DOER) and with a National Grid approved project expediter (Guardian Energy Management Solutions) to identify feasible and desirable projects for energy conservation. The Town consulted with the DOER regarding the qualifications of Guardian and the DOER indicated a favorable recommendation for this project expediter. In conjunction with George Trearchis, Supervisor of Facilities and Grounds of the Tyngsborough Public Schools, we have identified the below listed projects and are requesting the Board's approval to move forward. The total value of all five projects is \$97,836.00 for which the Town will be responsible to pay \$64,992, from its Green Communities Funding. The projects are as follows: 1) Police Department Boiler – replacement cost \$30,526; 2) High School Lighting – retrofits cost \$6,083; 3) High School Variable Frequency Drives – installation cost \$23,417; 4) High School Refrigerator and Freezer Motors and Fan Controls – retrofit cost \$2,920; and 5) Elementary School Refrigerator and Freezer Motors and Fan Controls – retrofit cost \$2,046. The Board voted 5-0-0 on a motion by Selectman Jackson, second by Selectman Lambert to support the five items as presented for the total cost of \$64,992 paid 100% by the Green Communities Grant Funding.

#### D. Street Lights – Review Status

The Administrator has received inquiry on the status of the Street Light acquisition. The Administrator recommends continued evaluation in the pending status.

#### E. MassDoT Update

Selectman Curseaden briefed the Board on the progress of the Pawtucket Blvd Relocation project. The signage is up advising the citizens of the paving schedule, the paving will be done at night to help with the flow of traffic. The paving will be on Middlesex/Kendall Roads and the Pawtucket Blvd. The demo of the temporary bridge abutments is ongoing. Striping will be done in the following weeks. There is a change order for street lights on the bridge, the lights on Chronopoulos Way/Sherburne Avenue are in the works. The project is moving forward. Nothing new on the Indian Lane House, it appears to be moving in the Town's way. The punch list will be reviewed by the State and will include the Town if the Town is impacted.

### 6. Citizen/Business Time

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contacted the Office of the Selectmen in advance may address the Board of Selectmen on matters of interest to the public for not more than five (5) minutes.

Mr. Christopher Mellen came before the Board on a couple of matters. The first is the sidewalk on Middlesex Road need to be looked at, and is in need of repairs. And the second matter is that there are three islands in the center of Town and could be used for businesses to advertise and at the same time the Town could generate revenue. There would be much discussion on the subject; the Board would have to have discussions with Mass DoT, the Building Commissioner, Highway Department and the Police Department. Mr. Mellen also mentioned that the minutes of various Boards and Committees are behind in their posting to the website.

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### 7. Correspondence

A list of correspondence will be included with approved meeting minutes per the requirements of the Massachusetts Open Meeting Law and may be posted online at [www.tyngsboroughma.gov](http://www.tyngsboroughma.gov). Copies of correspondence may be requested from the Office of the Board of Selectmen.

A. Action

B. Informational

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Curseaden to accept the correspondence as printed. The notice for the Memorial Day Parade was read.

Selectman Lambert left the room at 8:40 PM.

The Board reviewed a letter from the Tyngsborough Housing Authority requesting the Board vote to waive the building fees associated with the construction on the two duplexes at the Frost Road location. The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Curseaden to waive the building fees associated with the project on Frost Road.

Selectman Lambert returned to the meeting at 8:45 PM.

One piece of correspondence – action was misplaced, the common victualler license request were schedule for Monday June 17<sup>th</sup>. The Board received a request to ask if the Town would purchase a land locked piece of property along the Merrimack River. The discussed doing a limited amount of review and will place it on a future agenda. Selectman Lambert offered to take the Board on a boat trip up the river. The Chair mentioned the retirement letter from Mrs. Connie Spickler, and thanked her for her 20 plus years of service as a Children's Librarian. The Board members echoed the Chair's remark and want to make it a special day.

### 8. Review of Weekly Warrants

The Administrator read the following warrants into the minutes Warrant #47B for \$1,142,219.01 on 5/20/2013; and Warrant #47P for \$812,432.73 on 5/20/2013; Warrant # 47S for \$241,054.75 on 5/20/2013; Warrant #48B for \$386,996.15 on 5/28/2013; Warrant #48 for \$838,881.57 on 6/3/2013; Warrant 49B for \$711,169.68 on 6/3/2013.

### 9. Town Administrator's Reports

- Response to Selectmen's Requests

The Documentation associated with the street acceptance approved at the Town Meeting is being assembled and will be presenting orders for approval on June 17<sup>th</sup>. The official communication to the Town Clerk is attached.

- Budget

The new Town Accountant, Catherine Gabriel, has started. She is working to incorporate the actions of Town Meeting into appropriate software and reports.

- Departmental Information

The Administrator and the Sewer Commissioners attended a meeting at the Mayor's Office in Nashua, and discussions are underway regarding potential tie into sewer at the Nashua line. The Sewer Commission is reviewing starting with two parcels, the TJ Maxx Plaza and the Olive Garden, with an eye towards potential expansion if/when capacity is available.

Attached are copies of the audit information request letters.

- Contracting/Procurement

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The Administrator will be meeting with the Fire Department and our ambulance service providers this week to finalize a protocol for ambulance response in Tyngsborough, to be incorporated into our state-required Service Zone Plan and into contract amendments for both Lowell General (successor to Saints) and Trinity.

- Other

NMCOG hosted the New Hampshire Department of Transportation for a discussion regarding commuter rail service north of Lowell. They continue to look at a potential station in Nashua South area, near the state line and inquire about potential station in Tyngsborough. The Administrator provided comment that, in the event a location in Tyngsborough were identified there would need be consideration afforded to mitigate traffic and other impacts.

The Historical Commission is interested in pursuing a cleanup of the Town Center, particularly, the side of the pond near the barn. Some of this work will be required to allow re-construction at the barn once it is contracted. The Highway Department will perform the work, which will include brush/overgrowth trimming and the removal of certain trees on the north and south sides of the barn. The site and plans have been reviewed by the Conservation Agent and the Tree Warden. Attached is a copy of additional hazard mitigation information provided to NMCOG at its request. The Assistant Town Administrator met with the Historical Commission and presented three ways a property can be nominated (either as part of a district, as part of a national district or nationally recognized individual buildings). The Historical Commission voted to nominate the Winslow School and the Littlefield Library on the National register as individual building, which if awarded, will make each building eligible for State matching grants for accessibility and weatherproofing. The Historical Commission voted to submit a letter to the Board asking for support.

### 10. Selectmen's Reports

Selectwoman Puleo mentioned the Lowell group working on changing the Greater Lowell Vocational School Board makeup, the Administrator is waiting for a formal input. Moving forward for use of CPC funds for maintenance funds for the Meeting House, Old Town Hall, and the Barn and will need additional funds for the historical buildings. Discussions will be placed on a future agenda.

### 11. 8:00 PM Adjournment

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Lambert to adjourn the meeting at 9:05 PM.

Respectfully submitted

Therese Gay  
Admin Assistant

Approved on: Monday July 1, 2013

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# Board of Selectmen Correspondence - June 3, 2013 - INFORMATION

[illegible]



# Board of Selectmen Correspondence - June 3, 2013 ACTION

[illegible]